

MONTANA LEGISLATIVE HISTORY

Chapter 575 19 03

Bill H 746 S _____

Original bill & history ✓

H. Committee on Ed + Cultural Resources S. Committee on Ed + Cultural Resources

Hearing Date(s) 2-16-03 ✓ C

Hearing Date(s) 3-11-03 C

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3-25-03 C

Date Out 4-1-03 C

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out

Did this bill originate in an interim committee? _____ Yes ✓ No

Committee _____

Report _____

desirable, subject to such registration requirements as the department prescribes."

Section 2. **Effective date.** This act is effective on passage and approval.

Approved April 18, 1983.

CHAPTER NO. 575

AN ACT CHANGING METHODS OF PROVIDING COMMUNITY COLLEGE SERVICES OUTSIDE OF PRESENT DISTRICTS BY AUTHORIZING THE CREATION OF COMMUNITY COLLEGE SERVICE REGIONS UPON APPLICATION BY THE GOVERNING BODY OF A COUNTY, MUNICIPALITY, OR ELEMENTARY OR HIGH SCHOOL DISTRICT; REQUIRING A SERVICE PLAN AND APPROVAL OF THE REGION ELECTORATE, THE COMMUNITY COLLEGE BOARD OF TRUSTEES, AND THE BOARD OF REGENTS; ALLOWING A PROPERTY TAX MILL LEVY TO FUND REGIONAL COMMUNITY COLLEGE SERVICES; PROVIDING THAT ANNEXATION TO AN EXISTING COMMUNITY COLLEGE DISTRICT REQUIRES THE TERRITORY TO BE ANNEXED TO BE WITHIN A COUNTY CONTIGUOUS TO THE DISTRICT; ALLOWING TRUSTEES DISCRETION IN CALLING AN ANNEXATION ELECTION; AMENDING SECTIONS 20-15-231 AND 20-15-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Community college service regions — creation.** (1) The governing body of an elementary school district, high school district, county, or municipality not within a community college district may designate itself a community college service region as provided in this section.

(2) A service region may be designated only if, within 12 months preceding any designation, the following conditions are met:

- (a) the service plan required by subsection (3) is available;
- (b) the board of trustees of the community college district that will offer services within the region has approved the designation;
- (c) the electors within the region have approved the designation by a majority of votes cast on the question in an election held on a general election day; and
- (d) the board of regents has approved the designation.

(3) (a) At least 90 days prior to the granting of any of the approvals listed in subsections (2)(b) through (d), a written plan must be made available which:

- (i) details the services the community college district will offer within the region;

- (ii) details who will be eligible to use the services and the charges that will be made to users;

- (iii) indicates the facilities that will be used to house the services;

- (iv) lists the direct and indirect costs of the services and the apportionment of those costs between the community college district and the governing body designating the service region;

- (v) estimates the number of persons expected to use the services within the region; and

- (vi) estimates the mill levy necessary to fund the service region.

(b) The plan may be revised jointly by the region governing body, board of regents, and the board of trustees of the community college district as such revision may be necessary.

(4) A designation is effective for 5 years and after 5 years is effective unless rescinded by a majority of electors casting votes on the question in an election held on any general election day following expiration of the 5-year period. The question on rescission must be put on the ballot when requested at least 90 days prior to the election by the governing body designating the service region, by the community college board, or by a petition signed by 20% of the registered electors within the service region. The rescission is effective at the end of the first full academic year following the election rescinding the district designation.

Section 2. **Tax levy for community college service region.** A governing body designating a community college service region as provided in [section 1] may levy a tax on all real and personal property within the region at a rate required to finance the services offered by a community college district for the region. The levy is in addition to any other levies allowed by law and is not subject to any statutory or charter limitations on levies. The levy must be made at the same time and in the same manner as the general levy of the political subdivision designating the region is made, and the revenues generated thereby must be collected at the same time and in the same manner. Within 30 days of collection, the appropriate revenues must be transmitted to the participating community college district.

Section 3. Section 20-15-311, MCA, is amended to read:

"20-15-311. Funding sources. The annual operating budget of a community college district shall be financed from the following sources:

- (1) the estimated revenues to be realized from student tuition and fees, except those related to community service courses as defined by the board of regents;

- (2) a mandatory mill levy on the community college district;

- (3) the 1-mill adult education levy authorized under provisions of 20-15-305;

- (4) the state general fund appropriation;

(5) an optional voted levy on the community college district that shall be submitted to the electorate in accordance with general school election laws;

(6) all other income, revenue, balances, or reserves not restricted by a source outside the community college district to a specific purpose;

(7) income, revenue, balances, or reserves restricted by a source outside the community college district to a specific purpose. Student fees paid for community service courses as defined by the board of regents shall be considered restricted to a specific purpose;

(8) *income from a political subdivision that is designated a community college service region under [section 1].*"

Section 4. Section 20-15-231, MCA, is amended to read:

"20-15-231. Annexation of territory of districts to community college district. (1) Whenever 10% of the registered electors of an elementary district or districts of a county that is contiguous to the existing community college district petition the board of trustees of a community college district for annexation of the territory encompassed in such elementary school districts, the board of trustees of the community college district may order an annexation election in the area defined by the petition. Such election shall be held on the next general election day.

(2) The election shall be conducted in the proposed area for annexation in accordance with the requirements of the community college organization election, except that the board of trustees of the community college shall perform the requirements of the board of regents and there shall not be an election of the board of trustees of the community college.

(3) The proposition on the ballot shall be as follows:

Shall school districts be annexed to and become a part of the Community College District of, Montana?

☐ FOR annexation.

☐ AGAINST annexation.

(4) To carry, the proposals to annex must receive a majority of the total votes cast thereon. Upon receipt of the certified results of the election from the elementary districts encompassed in the proposed area to be annexed, the board of trustees of the community college district shall canvass the vote and declare the results of the election. If the annexation proposition carries, a certified copy of the canvassing resolution shall be filed in the office of the county clerk and recorder of the county encompassing the area to be annexed and, upon such filing, the area to be annexed shall then become a part of the community college district."

Section 5. **Effective date.** This act is effective on passage and approval.

Approved April 18, 1983.

CHAPTER NO. 576

AN ACT TO EXTEND AND AMEND THE BOND VALIDATING ACT; AMENDING SECTION 17-5-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-5-205, MCA, is amended to read:

"17-5-205. Application. The application of the Bond Validating Act, Title 17, chapter 5, part 2, as hereby amended, is extended to bonds issued and proceedings taken prior to [the effective date of this act]."

Section 2. **Effective date.** This act is effective on passage and approval.

Approved April 19, 1983.

CHAPTER NO. 577

AN ACT PROVIDING THAT WHEN A WITNESS IS GIVEN IMMUNITY AND COMPELLED TO TESTIFY OR PRODUCE EVIDENCE, THE TESTIMONY, EVIDENCE, OR INFORMATION DERIVED FROM IT MAY NOT BE USED AGAINST HIM IN A CRIMINAL PROSECUTION; DELETING PROVISIONS THAT THE WITNESS MAY NOT BE PROSECUTED FOR TRANSACTIONS HE TESTIFIES ABOUT, BUT PROVIDING THAT WHEN THE PROSECUTOR DETERMINES THAT IT IS IN THE INTEREST OF JUSTICE, HE MAY GRANT THE WITNESS IMMUNITY FROM PROSECUTION FOR SUCH TRANSACTIONS; AMENDING SECTIONS 30-10-304, 30-14-221, 46-4-305, AND 46-15-311, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 30-10-304, MCA, is amended to read:

"30-10-304. Investigations and subpoenas. (1) The commissioner in his discretion may:

(a) make such public or private investigations or examinations within or without this state as he deems necessary to determine whether any registration should be granted, denied, or revoked or whether any person has violated or is about to violate any provision of parts 1 through 3 of this chapter or any rule or order hereunder or to aid in the enforcement of parts 1 through 3 of this chapter or in the prescribing of rules and forms hereunder;

(b) require or permit any person to file a statement in writing, under oath or otherwise as the commissioner may determine, as to all the facts and circumstances concerning the matter to be investigated; and

CONFERENCE COMMITTEE APPOINTED: 04/18/83

CONFERENCE COMMITTEE REPORT: 4/21/83

HOUSE

2ND READING: 04/21/83, ADOPTED AYES: 66; NAYS: 29
3RD READING: 04/21/83, ADOPTED AYES: 71; NAYS: 22

SENATE

2ND READING: 04/21/83, BE ADOPTED AYES: 50; NAYS: 0
3RD READING: 04/21/83, BE ADOPTED AYES: 50; NAYS: 0

TRANSMITTED TO GOVERNOR: 4/21/83

SIGNED: 4/29/83

HB 746 -- DARKO, MOHAR, B. BROWN, ET AL. -- CHANGING METHODS OF PROVIDING COMMUNITY COLLEGE SERVICES OUTSIDE OF PRESENT DISTRICTS BY AUTHORIZING THE CREATION OF COMMUNITY COLLEGE SERVICE REGIONS UPON APPLICATION BY THE GOVERNING BODY OF A COUNTY, MUNICIPALITY, OR ELEMENTARY OR HIGH SCHOOL DISTRICT; REQUIRING A SERVICE PLAN AND APPROVAL OF THE REGION ELECTORATE, THE COMMUNITY COLLEGE BOARD OF TRUSTEES, AND THE BOARD OF REGENTS; ALLOWING A PROPERTY TAX MILL LEVY TO FUND REGIONAL COMMUNITY COLLEGE SERVICES; PROVIDING THAT ANNEXATION TO AN EXISTING COMMUNITY COLLEGE DISTRICT REQUIRES THE TERRITORY TO BE ANNEXED TO BE WITHIN A COUNTY CONTIGUOUS TO THE DISTRICT; ALLOWING TRUSTEES DISCRETION IN CALLING AN ANNEXATION ELECTION; AMENDING

INTRODUCED: 02/12/83

REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 02/12/83

HEARING: 2/16/83

REPORT: 02/16/83, DO PASS

2ND READING: 02/16/83, DO PASS AYES: 37; NAYS: 9
3RD READING: 02/21/83, DO PASS AYES: 90; NAYS: 9

TRANSMITTED TO SENATE: 2/21/83

REFERRED TO COMMITTEE ON EDUCATION & CULTURAL RESOURCES: 3/1/83

HEARING: 3/11/83

REPORT: 03/17/83, BE CONCURRED IN, AS AMENDED

2ND READING: 03/19/83, BE CONCURRED IN AYES: 23; NAYS: 24
2ND READING: 03/19/83, BE INDEFINITELY POSTPONED AYES: 24; NAYS: 23

RETURNED TO HOUSE 3/19/83

RETURNED TO SENATE FOR FURTHER CONSIDERATION 3/21/83

2ND READING: 03/23/83 AYES: 36; NAYS: 14
3RD READING: 03/23/83 AYES: 34; NAYS: 15

RETURNED TO HOUSE WITH AMENDMENTS: 03/25/83

2ND READING: 03/31/83, BE CONCURRED IN AYES: 38; NAYS: 0
3RD READING: 04/01/83, BE CONCURRED IN AYES: 36; NAYS: 0

TRANSMITTED TO GOVERNOR: 04/14/83

SIGNED: 04/19/83, CHAPTER 575

HB 747 -- MARKS, RAMIREZ, BERTELSEN, ET AL. -- CLARIFYING ADMINISTRATION AND REPORTING REQUIREMENTS RELATED TO THE PRIVILEGE TAX FOR POSSESSION OR BENEFICIAL USE BY A PRIVATE INDIVIDUAL, ASSOCIATION, OR CORPORATION OF PROPERTY WHICH FOR ANY REASON IS EXEMPT FROM TAXATION; AMENDING

HOUSE BILL NO. 746

INTRODUCED BY DARKO, MOHAR, B. BROWN, CONNELLY, CURTISS,
HART, ZABROCKI, MUELLER, DEVLIN, SHONTZ, ASAY

IN THE HOUSE

February 12, 1983	Introduced and referred to Committee on Education and Cultural Resources.
February 16, 1983	Committee recommend bill do pass. Report adopted.
February 17, 1983	Bill printed and placed on members' desks.
February 18, 1983	Second reading, do pass.
February 19, 1983	Considered correctly engrossed.
February 21, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 1, 1983	Introduced and referred to Committee on Education and Cultural Resources.
March 17, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 19, 1983	Second reading, indefinitely postponed. Ayes, 24; Noes, 23.

IN THE HOUSE

March 19, 1983	Returned to House with amendments.
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March 22, 1983

On motion, request of Senate granted for return of House Bill 746 for further consideration.

IN THE SENATE

March 23, 1983

Second reading, concurred in.

March 25, 1983

Third reading, concurred in. Ayes, 34; Noes, 15.

IN THE HOUSE

March 25, 1983

Returned to House with amendments.

March 31, 1983

Second reading, amendments concurred in.

April 1, 1983

Third reading, amendments concurred in. Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *746*
 2 INTRODUCED BY *Clark* *Molan* *Bob Brown* *Connelly*
 3 *Curtiss* *M. Hart* *Zabacki* *Mueller* *Dubin*
 4 *Doan* A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING METHODS OF
 5 PROVIDING COMMUNITY COLLEGE SERVICES OUTSIDE OF PRESENT
 6 DISTRICTS BY AUTHORIZING THE CREATION OF COMMUNITY COLLEGE
 7 SERVICE REGIONS UPON APPLICATION BY THE GOVERNING BODY OF A
 8 COUNTY, MUNICIPALITY, OR ELEMENTARY OR HIGH SCHOOL DISTRICT;
 9 REQUIRING A SERVICE PLAN AND APPROVAL OF THE REGION
 10 ELECTORATE, THE COMMUNITY COLLEGE BOARD OF TRUSTEES, AND THE
 11 BOARD OF REGENTS; ALLOWING A PROPERTY TAX MILL LEVY TO FUND
 12 REGIONAL COMMUNITY COLLEGE SERVICES; PROVIDING THAT
 13 ANNEXATION TO AN EXISTING COMMUNITY COLLEGE DISTRICT
 14 REQUIRES THE TERRITORY TO BE ANNEXED TO BE WITHIN A COUNTY
 15 CONTIGUOUS TO THE DISTRICT; ALLOWING TRUSTEES DISCRETION IN
 16 CALLING AN ANNEXATION ELECTION; AMENDING SECTIONS 20-15-231
 17 AND 20-15-311, MCA; PROVIDING A TRANSITION PROVISION TO
 18 ALLOW CREATION OF REGIONS IN 1983; AND PROVIDING AN
 19 IMMEDIATE EFFECTIVE DATE."

20
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 NEW SECTION. Section 1. Community college service
 23 regions -- creation. (1) The governing body of an elementary
 24 school district, high school district, county, or
 25 municipality not within a community college district may

1 designate itself a community college service region as
 2 provided in this section.

3 (2) A service region may be designated only if, within
 4 12 months preceding any designation, the following
 5 conditions are met:

6 (a) the service plan required by subsection (3) is
 7 available;

8 (b) the board of trustees of the community college
 9 district that will offer services within the region has
 10 approved the designation;

11 (c) the electors within the region have approved the
 12 designation by a majority of votes cast on the question in
 13 an election held on a regular school election day; and

14 (d) the board of regents has approved the designation.

15 (3) (a) At least 90 days prior to the granting of any
 16 of the approvals listed in subsections (2)(b) through (d), a
 17 written plan must be made available which:

18 (i) details the services the community college
 19 district will offer within the region;

20 (ii) details who will be eligible to use the services
 21 and the charges that will be made to users;

22 (iii) indicates the facilities that will be used to
 23 house the services;

24 (iv) lists the direct and indirect costs of the
 25 services and the apportionment of those costs between the

INTRODUCED BILL

1 community college district and the governing body
2 designating the service region;

3 (v) estimates the number of persons expected to use
4 the services within the region; and

5 (vi) estimates the mill levy necessary to fund the
6 service region.

7 (b) The plan may be revised jointly by the region
8 governing body and the board of trustees of the community
9 college district as such revision may be necessary.

10 (4) A designation is effective for 5 years and after 5
11 years is effective unless rescinded by a majority of
12 electors casting votes on the question in an election held
13 on any regular school election day following expiration of
14 the 5-year period. The question on rescission must be put on
15 the ballot when requested at least 90 days prior to the
16 election by the governing body designating the service
17 region, by the community college board, or by a petition
18 signed by 20% of the registered electors within the service
19 region. The rescission is effective at the end of the first
20 full academic year following the election rescinding the
21 district designation.

22 ~~NEW SECTION.~~ Section 2. Tax levy for community
23 college service region. A governing body designating a
24 community college service region as provided in [section 1]
25 may levy a tax on all real and personal property within the

1 region at a rate required to finance the services offered by
2 a community college district for the region. The levy is in
3 addition to any other levies allowed by law and is not
4 subject to any statutory or charter limitations on levies.
5 The levy must be made at the same time and in the same
6 manner as the general levy of the political subdivision
7 designating the region is made, and the revenues generated
8 thereby must be collected at the same time and in the same
9 manner. Within 30 days of collection, the appropriate
10 revenues must be transmitted to the participating community
11 college district.

12 Section 3. Section 20-15-311, MCA, is amended to read:
13 *20-15-311. Funding sources. The annual operating
14 budget of a community college district shall be financed
15 from the following sources:

16 (1) the estimated revenues to be realized from student
17 tuition and fees, except those related to community service
18 courses as defined by the board of regents;

19 (2) a mandatory mill levy on the community college
20 district;

21 (3) the 1-mill adult education levy authorized under
22 provisions of 20-15-305;

23 (4) the state general fund appropriation;

24 (5) an optional voted levy on the community college
25 district that shall be submitted to the electorate in

1 accordance with general school election laws;

2 (5) all other income, revenue, balances, or reserves
3 not restricted by a source outside the community college
4 district to a specific purpose;

5 (7) income, revenue, balances, or reserves restricted
6 by a source outside the community college district to a
7 specific purpose. Student fees paid for community service
8 courses as defined by the board of regents shall be
9 considered restricted to a specific purpose;

10 ~~(3) income from a political subdivision that is~~
11 ~~designated a community college service region under [section~~
12 ~~1]."~~

13 Section 4. Section 20-15-231, MCA, is amended to read:

14 "20-15-231. Annexation of territory of districts to
15 community college district. (1) Whenever 10% of the
16 registered electors of an elementary district or districts
17 of one a county ~~that is contiguous to the existing community~~
18 ~~college district~~ petition the board of trustees of a
19 community college district for annexation of the territory
20 encompassed in such elementary school districts, the board
21 of trustees of the community college district ~~shall~~ may
22 order an annexation election in the area defined by the
23 petition. Such election shall be ordered within 60 days of
24 the receipt of the petition.

25 (2) The election shall be conducted in the proposed

1 area for annexation in accordance with the requirements of
2 the community college organization election, except that the
3 board of trustees of the community college shall perform the
4 requirements of the board of regents and there shall not be
5 an election of the board of trustees of the community
6 college.

7 (3) The proposition on the ballot shall be as follows:

8 Shall school districts be annexed to and become a
9 part of the Community College District of, Montana?

10 ☐ FOR annexation.

11 ☐ AGAINST annexation.

12 (4) To carry, the proposals to annex must receive a
13 majority of the total votes cast thereon. Upon receipt of
14 the certified results of the election from the elementary
15 districts encompassed in the proposed area to be annexed,
16 the board of trustees of the community college district
17 shall canvass the vote and declare the results of the
18 election. If the annexation proposition carries, a certified
19 copy of the canvassing resolution shall be filed in the
20 office of the county clerk and recorder of the county
21 encompassing the area to be annexed and, upon such filing,
22 the area to be annexed shall then become a part of the
23 community college district."

24 NEW SECTION. Section 5. Transition. (1) The board of
25 trustees of a community college district may waive the

1 90-day time limit required in section 1(4) in 1983 for the
2 purpose of allowing approvals to be completed on the date of
3 the regular school election held in 1983 or on the date of
4 an election called pursuant to this subsection (2).

5 (2) The governing body of a political subdivision may
6 call a special election, to be held not later than July 1,
7 1983, for the purpose of obtaining elector approval as
8 required by section 1(2)(c).

9 NEW SECTION. Section 6. Effective date. This act is
10 effective on passage and approval.

-End-

HOUSE EDUCATION COMMITTEE

February 16, 1983

The meeting was called to order by Chairman Fritz Daily in room 420 of the Capitol Building at 11:30 p.m., with all members present.

Chairman Daily opened the meeting to a hearing on House Bills: 686, 744, 746, 794, and House Joint Resolutions 21 and 22.

HOUSE BILL 794

REPRESENTATIVE WILLIAM HAND, District 82, Dillon, opened by saying House Bill 794 is an act to clarify the definition of school bus as defined in Title 20 and Title 61, by exempting certain motor vehicles from the definition. Rep. Hand then called on Chip Erdmann to explain the bill.

CHIP ERDMANN, Montana School Board Association, submitted written comments (see exhibit 1) and comments addressing the first draft of the bill. (see exhibit 2)

PROPONENTS

TERRY BROWN, Office of Public Instruction, voiced his support of the bill and said he would be available to answer any questions.

DON WALDRON, Hellgate Elementary School, submitted written comments. (see exhibit 3)

STEVE JOHNSON, Attorney General's Office, said I am neither a proponent nor an opponent. House Bill 794 would create certain common sense exceptions to what would be considered a school bus under law. It's purpose is the elimination of state over-regulation. Whatever is defined as a school bus under state law is subject to many restrictions. Problems will be solved by this bill in the area of car pooling. Some safety problems or risks are present in a situation where busses pick up school children on busy streets. In those cases, it is very appropriate to have flashing red lights and a yellow color, in order that the drivers can be easily recognized. In the case of athletic events and field trips there aren't those problems because you wouldn't have the busses stopping in traffic. It is a matter of policy, and we find the exceptions made are very rational.

JESS LONG, School Administrators of Montana, voiced the support of his organization for House Bill 794.

Rep. Hand closed.

HOUSE EDUCATION COMMITTEE MINUTES
February 16, 1983, page 6

The answer was trying to define subgroups is going to get more difficult. In my opinion, the responsibility ought to be in one place. I can't support the amendments of the Office of Public Instruction. The bill should be adopted as submitted or killed. I don't want half the authority and all of the responsibility.

Rep. Peck said it was indicated the bill would not require public hearings in terms of rule making. Mr. Svec answered it is my understanding that the university system is exempt from the rules and procedures.

Chairman Daily closed the hearing at 12:45 p.m.

Rep. Daily turned the chair over to Vice Chairman Roland Kennerly.

HOUSE BILL 746

REPRESENTATIVE PAULA DARKO, District 22, Libby, opened by stating this bill is submitted at the request of the local people of my community, who are looking at further educational possibilities. The bill is for enabling legislation. It creates a service region for community colleges that is approved by the voters of the proposed service region, and it changes current law to allow annexation of a school district in a county contiguous to an existing community college district, upon voter approval, by members of that district.

PROPOSERS

BILL LANNEN, Montana University System, said section 1 allows a service region to be created by various kinds of governing bodies. The service region can only be designated if there are certain conditions met. A service plan would be required. The board of trustees must approve designation, electors must approve by majority vote, and the board of regents must have approved. There must be a designed plan explaining the services the community college would offer, who would be eligible for these services, and what kinds of facilities would be used to house those services. The plan would also consider direct and indirect costs. The plan must indicate the approximate number of mills for which the service region will be responsible. Once the plan is written, it can be revised, but the parties involved need to come to grips with the revisions. The revisions must be made jointly by the governing body in the service region and the community college trustees. There is a five year period of time in which there is an opportunity to see that the program is going to work. Section 2 allows the governing body to tax themselves in the amount that is necessary in order to provide the services. Section 3 amends already existing language in the community college laws. That language defines the sources to which the

HOUSE EDUCATION COMMITTEE MINUTES
February 16, 1983, page 7

community college funds itself, and it adds income from a political subdivision as part of the unrestricted budget of the community college. Section 4 deals with the annexation laws that presently exist in the community colleges. A school district has to be contiguous to the existing community college district.

DON GATZKE, Flathead Valley Community College, said we have been teaching a few courses in Libby for the past few years. Our funding is 53% state and 37% from our district tax base. Flathead County taxpayers are paying this 37% for Lincoln County residents. When the numbers increase, it becomes a burden on the taxpayers. People from Libby are saying they want more courses, but we do not care to expand the community college system. This bill would allow the people of Libby to tax themselves for the 37% that the people of Flathead are presently paying.

DON KETTNER, Dawson Community College, said our board of trustees decided that because of the number of requests we were receiving from the Sidney and Baker areas, we would establish two instructional sites in these communities. Since that time, we have had 250 students enrolled at these sites. This bill addresses the problem of funding. We have been offering courses there but with little quality control.

JUD FLOWER, Miles Community College, said there is not a very thorough understanding of community college funding in the state. Funding is state and local, with the local district picking up 47%, of which 12% is tuition. Increasing numbers of students coming from counties outside our district create a burden to reach out, that is becoming prohibitive. My institution may represent the zenith of that problem because the growth of the college is in many ways attributable to the out-of-district students. This is putting a mill levy burden on our taxpayers that has reached almost 52 mills this year. Because of the increase in enrollment, this will go higher next year. One solution to the problem has been to annex; to persuade counties to vote themselves into the district. Bond options within the proposal are permissive and subject to the vote of the people. Regents in the commissioners office have been concerned that language is developed that is consistent. There is a consistency to address both issues of control and limits.

SANDY WAGONER, Libby Chamber of Commerce, submitted written testimony. (see exhibit 10)

HARLEY PAULSEN, Libby, said we approached the University of Montana and Montana State University. They felt that the geographical separation of Libby would limit the amount of assistance that could be offered. The cost is prohibitive to bring

services that distance. We are talking about \$50 to \$75 per credit hour. The establishment of community college service centers would help with that problem. I would like to emphasize the focus to bring the education to the people rather than trying to facilitate people to travel to the institutions of higher education.

There were no opponents to House Bill 746.

Rep. Darko closed by saying I would emphasize that these methods will meet local needs and help to equalize the funding burden. This would be shared between the districts and counties receiving these services. We need to expand educational possibilities in our communities. We are going to have to diversify, and I think this is a method to do it.

Questions from committee. Rep. Miller asked Mr. Flower if the impact to these colleges is greater because of the unemployment situation. The response was I think we are all in agreement that educational institutions are affected with larger numbers of students during periods of economic decline. We don't have much control over that. Once the economy improves there is a washing through of those students.

Rep. Miller said once the mills are established, how do they come off again? Mr. Flower replied once the service is decreased the mills would also decrease.

Chairman Kennerly closed the hearing on House Bill 744 at 1:30 p.m.

HOUSE BILL 744

REPRESENTATIVE JAY FABREGA, District 44, Great Falls, said House Bill 744 would amend section 20-9-104, which is the general fund cash reserve. Present law says the school district may carry a cash reserve to cover general fund costs issued between July 1, and November 30, of the ensuing school year. The amount of the general fund cash balance that is earmarked as a cash reserve, present law says shall not exceed 35% of the general fund budget. In a few cases, the 35% can be misunderstood to mean that you can carry that much reserve regardless of whether you need it or not. The purpose of my bill is to say that the 35% is an upper limit. What is intended for the cash reserve is a reasonable amount anticipated to be necessary to cover all of the warrants issued between July 1, and November 30. Because of the law suits against local government entities, I believe this would be a useful tool for school districts. They should be aware that the 35% is an upper limit within that fund, but it should not be carried if it isn't needed.

VISITOR'S REGISTER

HOUSE

Education

COMMITTEE

BILL

#B # 7446

DATE _____

2/16

S.PONSOR

Darko

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Germane Board Members.

COMMUNITY COLLEGE RESEARCH COMMITTEE

Exhibit 10
HB 746

KNOWING THAT AMERICA'S TOMORROW IS BASED ON THE

EDUCATION OF HER PEOPLE TODAY, THE ^{*Libby*} CHAMBER OF

COMMERCE COMMUNITY COLLEGE RESEARCH COMMITTEE

WAS FORMED. *1971*

A. COMMITTEE MEMBERS:

111 E. Lincoln - 3rd - Libby MT 59923
1. HARLEY PAULSEN - SCHOOL DISTRICT #4

P.O. Box 29 Libby MT 59923
2. JANENE BROWN - FIRST NATIONAL BANK - V.P.

3. SANDY MATHENY - INFORMATION OFFICER - USDA

4. GALEN HALL - USDA; INSTRUMENTAL IN LAYING

GROUND WORK FOR KOOTENAI - SALISH COMMUNITY

COLLEGE

705 E. 7th - Libby MT 59923
5. DAN MILLER - ST. REGIS PERSONNEL MANAGER

(REPLACED KEN STAHL)

1000 1st - Libby MT 59923
6. SANDY WAGNER - COMMERCIAL UNDERWRITER

OFFICE MANAGER GLACIER INSURANCE COMPANY

1ST INSIGHT IN "FUTURING"

Ex. 10
HB 746
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2. POSSIBLE RESOURCES FOR SECURING A FACILITY
(FVCC).
3. DETERMINING THE LEGALITICS INVOLVED IN ITS
ESTABLISHMENT.

C. NEED

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2. OTHER COLLEGE CREDIT COURSES WITHIN
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3. LIBBY COMMUNITY NEEDS SURVEY (OCTOBER 1981)
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1. PREVIOUS COOPERATION WITH FVCC
2. MORE CONVENIENT AREA AND COST EFFECTIVE
BECAUSE OF ITS CLOSE PROXIMITY.

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Ex. 10
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LACK OF \$.

HUMANITY's PROGRESSIVENESS WILL BE THE PRODUCT OF HER
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the reasons given above we recommend passage of

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 11, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on March 11, 1983, at 1:00 p.m. in Room 402, State Capitol.

ROLL CALL: All committee members were present except Senators Smith and Gage who were absent.

Todd Fuller and Scott Blackman, students from Cascade High School and members of the FFA Chapter, spoke to the committee about their Supervised Occupational Experience Programs. Todd has been involved in managing a lawn and garden service and Scott in sheep production (exhibits #1 and #2). The committee was very impressed with the young men's accomplishments and wished them good luck in their future endeavors.

HOUSE BILL 196: Representative Peck, District 8, sponsor of the bill, said the bill enables the Board of Public Education to adopt policies regarding gifted and talented programs. He noted rules were originally going to be adopted governing gifted and talented programs but because of 1) the expense, and 2) the Board had adopted policies governing special education already, the bill was submitted in this form with an effective date of July 1, 1984.

PROPOSERS

Julie Adams, a student from Cascade High School, presented her testimony in support of the bill (exhibit #3).

Hilde Van Duym, Executive Secretary, Board of Public Education, submitted his testimony in support of the bill (exhibit #4).

Chip Erdmann, representing the Montana School Boards Association, urged support of the bill.

OPPOSERS

Nancy Lukinbill, representing the Office of Public Instruction, submitted her testimony in opposition to the bill (exhibit #5).

Sue Hanson, School District #5, Kalispell, submitted her testimony in opposition to the bill (exhibit #6).

Page 2
Education and Cultural Resources
March 11, 1983

Patricia Armiston, School District #5, Kalispell, a teacher of gifted and talented students, said she feels they can handle the program themselves and don't need guidelines or policies from the state.

There being no further witnesses, Representative Peck closed.

HOUSE BILL 746: Representative Darko, District 22, said the bill was requested by local people and the Presidents of the Community Colleges.

PROPOSERS

Bill Lannon, Community College Coordinator, Commissioner of Higher Education, explained the bill for the committee, saying it enables communities to vote money through property taxes for a community college service region. The bill provides for protection of off-campus educational quality, trustee approval, plan development and tax support. He also submitted a proposed amendment (exhibit # 7).

Sandy Wagner, Chamber of Commerce Community College Research Committee, Libby, presented her testimony in support of the bill (exhibit #8).

Don Kettner, President, Dawson Community College, Glendive, spoke in support of the bill quoting from the "Technical Report on Adult and Continuing Education", Montana Commission on Postsecondary Education #5 (exhibit # 9). He told of the success of the two satellite services DCC has established in Sidney and Baker currently serving over 350 students on a 3 quarter basis.

Dr. Don Gatzke, President, Flathead Community College, urged support of the bill.

Dr. John Cook, Miles City Community College, urged support of the bill as it will allow access to surrounding areas and extension of services.

Kathleen Walker, Trustee, Flathead Community College, urged support of the bill.

Page 3
Education and Cultural Resources
March 11, 1983

Senator John Mohar, District 11, stated the bill will help in retraining, an area becoming increasingly important due to current economic conditions.

Representative Glen Mueller, District 21, spoke in support of the bill.

There were no opponents to the bill and the hearing was closed.

HOUSE BILL 239:

Representative Hemstad, District 40, sponsor of the bill, said it was introduced at the request of the state auditor. She said the bill is very simple in that it adds language clarifying pay back of overpayment by the federal government of forest receipt funds.

PROPOSERS

Jo Isaacs, Auditor's Office, submitted materials in support of the bill to the committee (exhibit #10).

OPPOSERS

Richard Trerise, Montana Association of County Superintendents, questioned the intent of the bill. He said interest would be lost during the year if the money was held and not invested and no payment was made until year end.

There being no further opposers, the hearing was closed.

HOUSE BILL 315: Representative Wallin, District 76, presented his testimony regarding the bill (exhibit #11).

PROPOSERS

Chip Erdmann, Montana School Boards Association, spoke in support of the bill (exhibit #12).

Jim Kembel, Building Codes Division, Department of Administration, offered his support and assistance to the committee.

There being no further proposers and no opposers to the bill, the hearing was closed.

ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/

NAME	PRESENT	ABSENT	EXCU
<u>Senator Bob Brown, Chairman</u>	X		
<u>Senator Ed Smith, V. Chairman</u>		X	
<u>Senator Roger Elliott</u>	X		
<u>Senator Delwyn Gage</u>		X	
<u>Senator George McCallum</u>	X		
<u>Senator Elmer Severson</u>	X		
<u>Senator Harry Berg</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Jack Haffey</u>	X		
<u>Senator Joseph Mazurek</u>	X		

Education & Cultural Resources

HB 196, 746, 315, 239, 428

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos.
Bill Lannan	Mont Univ System	746	✓	
DON KETTNER	DAWSON Com College	746	✓	
W James Kembel	Dept of Admin	315	Information	
Josophie ISAAC	State Auditor	239	✓	
Sue Hanson	School Dist #5 Kalispell	196		✓
Nettie Armstrong	" " " "	196		✓
Janet Phillips	" "	196		✓
Julie Adams	myself	196	✓	
Don Gateke	Flathead Valley Community College	746	✓	
Kathleen D. Walker	Huster Flathead Valley CC	746	✓	
Leonard Bonkum	Self			
Fodd Fuller	Cascade FFA Chapter			
Scott Blackman	Cascade FFA Chapter			
Frank P. Gerhard	Cascade High School			
Andrea D. Nagman	Community College Board of Public Ed	746	✓	
Walter van Dyke	Board of Public Ed	196		
Richard Christie	MACSS	428		✓
Barrett C. Meloy	Board of Public Ed.	196	✓	
Pat Conway	School Dist #9, Browning	428		✓
Wayne Buchanan	MSBA	428		✓
Chip Erdmann	MSBA	HB 315	✓	
Grant Gallup	Browning School Dist #9	HB 428		✓
Brian Gallup	SELF	HB 428		✓
Jessie DeWitt	Community College of Browning Libby Area Chamber of Commerce	HB 746	✓	
JOHN KOCH	Miles Community College	HB 746	✓	

Amended #1
3/11/50

Amend HB 746 as follows:

Page 3, line 8
after: "governing body"
insert: ", the board of regents"

Lanner
amended

3/11/83
(This sheet be used by those testify g on a bill.)

NAME: Jandra Wagner DATE: 3/11/83

ADDRESS: P.O. Box 153, Libby, Mt.

PHONE: 293-5010

REPRESENTING WHOM? Chamber of Commerce Community College Research Committee

APPEARING ON WHICH PROPOSAL: HB 746

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENT: We strongly support passage of HB 746 to better educate the people of Montana particularly those who reside in the rural areas.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

3-11-80
Exhibit #8
3/11/83

COMMUNITY COLLEGE RESEARCH COMMITTEE

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Exhibit 114
3/11/67

Villmer

FROM: "Technical Report on Adult & Continuing Education" MONTANA COMMISSION ON POSTSECONDARY EDUCATION May, 1974

RECOMMENDATIONS

1. We in Montana should change our priorities toward the education of all citizens, at all stages of life.
2. All post-secondary institutions in the state have an important role to play - and should play it to the fullest extent - in satisfying the needs for adult and continuing education.
3. Post-secondary institutions should cooperate with one another and with governmental agencies, business, industry, private agencies and professional associations and groups to develop programs and delivery systems to meet adult and continuing education needs.
4. Greater financial resources should be devoted to serving the educational needs of adults.
5. With special implications for the rural areas, delivery systems should be adopted to take adult and continuing education to the citizens, whose commitments do not always permit them to travel to where the educational opportunities are ordinarily available.
6. Non-traditional modes of education, such as the previously-mentioned educational television, should be adopted to serve adult learners who do not fit the traditional image of the college student.